



## CRIMINAL COURT

**Hon. Madame Justice Dr. Consuelo-Pilar Scerri Herrera LL.D., Ph.D.**

Bill of Indictment Nr. 13/2023

**THE REPUBLIC OF MALTA**

**vs**

**Omissis 1**

**Today, the 1<sup>st</sup> March, 2024**

The Court,

Having seen the bill of indictment number thirteen (13) of the year two thousand and twenty three (2023) against Omissis 1, son of A and B, born in Nigeria on the twenty-fourth (24<sup>th</sup>) December of the year nineteen hundred and eighty-nine (1989) and residing at Luqa, holder of Maltese residence permit numbered XXXXXXXXX and Maltese identity card numbered XXXXXXX(X). Wherein the Attorney General in the bill of indictment premised:

**First count: Rape**

**The facts:**

That on the thirteenth (13<sup>th</sup>) June of the year two thousand and twenty (2020) the Executive Police at the Luqa Police Station were informed by a certain Omissis 2 that she wished to lodge a report with regards to domestic violence from her

husband, the accused Omissis 1. Following such report, Omissis 2 was referred to the Żebbuġ Police Station, where she was spoken to by the Police Inspector and a risk assessment was carried out, the outcome being that the victim Omissis 2 was in high risk scoring twenty (20).

The victim Omissis 2 explained how she met the accused Omissis 1 at the end of the year two thousand and thirteen (2013). At the beginning their relationship was somehow pleasant. During such period, the accused Omissis 1 asked the victim whether she would like to marry him for her to get her documents, and then, after all her documents are in order, she would be free, and they would lead separate lives. The victim Omissis 2 accepted such proposal.

After some time, the accused Omissis 1 lost his job. Such situation put their relationship in distress, especially the financial part of their relationship, and the accused Omissis 1 wanted to end their relationship. However, during the same period, in February of the year two thousand and fourteen (2014) the victim, Omissis 2 found out that she was pregnant, and such news caused further stress between the couple. The accused Omissis 1 started blaming the victim and their unborn child for their problems, especially financial ones.

Consequently, Omissis 2 started to avoid the accused Omissis 1 in bed. Then, one day, in September of the year two thousand and fourteen (2014), when the victim was already nine months pregnant, the accused Omissis 1 wanted to have sex with the victim Omissis 2. Omissis 2 refused. However, the accused Omissis 1 did not accept such refusal and told her that she could not leave him without sex because he was not a castrated dog. The accused Omissis 1 climbed on top of the victim Omissis 2, tore away her underwear and penetrated her vaginally with his sexual organ, without her consent.

The victim Omissis 2 gave birth to their first son on the sixth (6th) September of the year two thousand and fourteen (2014), and three days after, on the ninth (9th)

September of the year two thousand and fourteen (2014) she married the accused Omissis 1, hoping that he will keep his end of their agreement but it was not the case, and the first episode of rape explained in the previous paragraph was not to be an isolated one.

Even after the marriage, the accused Omissis 1 kept on mistreating the victim Omissis 2. The accused Omissis 1 felt that his wife, the victim, was somehow obliged to “pleasure” and “serve” him. Even though the victim Omissis 2 would outright refuse to have sex with him, the accused Omissis 1 would drag her to the bathroom or to the bedroom, remove her underwear and commits non-consensual carnal connection, all whilst calling her names and beating her. Such behaviour would happen often, whenever the accused Omissis 1 would feel like having sex, some times the accused Omissis 1 would also be drunk.

This behaviour, that of the accused Omissis 1 penetrating the victim Omissis 2 without her consent, that is, raping his wife, kept on repeating itself for several years, almost six (6) consecutive years, the frequency depending on the accused’s sexual appetite. It was during the night between the twelfth (12th) and the thirteenth (13th) June of the year two thousand and twenty (2020), after the accused Omissis 1, violently and forcefully raped the victim Omissis 2, and also beat her repeatedly causing her bodily harm, that the victim Omissis 2 managed to escape and asked for help from the executive Police, and eventually was offered a safety plan.

### **The consequences:**

In view of the above-mentioned facts, the accused Omissis 1, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, which constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendered himself guilty of engaging in non-consensual carnal connection,

that is to say, vaginal or anal penetration of a sexual nature with any bodily part, and, or, any object, or oral penetration with any sexual organ of the body of another person, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant, and on the person of another person living in the same household as the accused, and moreover, the offence, or related offences, were committed repeatedly.

**The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact above mentioned and as a consequence of the same, accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendering himself guilty of engaging in non-consensual carnal connection, that is to say, vaginal or anal penetration of a sexual nature with any bodily part, and, or, any object, or oral penetration with any sexual organ of the body of another person, in that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant, and on the person of another person living in the same household as the accused, and moreover, the offence, or related offences, were committed repeatedly.

**The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term from seven (7) to forty (40) years and solitary confinement for not more than twelve (12) terms, as is stipulated and laid down in articles 17, 18, 31, 198(1)(3), 202(h)(i)(v), 202(j), 383, 384, 385, 412C, 532A and 533 of Chapter 9

of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

**Second Count: Causing others to fear that violence will be used against them**

**The facts:**

That, during the same period, place and circumstances, from the year two thousand and fourteen (2014) till thirteenth (13) June of the year two thousand and twenty (2020), that is, during their almost six (6) years of marriage, in these Islands, the victim Omissis 2 was living terror. As better described in the First Count of this Bill of Indictment, the accused Omissis 1 expected to have sex with his wife whenever he felt like, and in fact, he did rape his wife, the victim, Omissis 2, often during their marriage, depending on the accused's moods and sexual desires.

As also explained in the First Count, the victim Omissis 2, continuously and repeatedly used to refuse having sexual relations with the accused Omissis 1. Most of the time, the accused Omissis 1 would ignore such refusal, drag the victim Omissis 2 to the bathroom and violently penetrate her. However, there were also times when either the accused ended up penetrating the victim and beating her up, or else there were times when the accused Omissis 1 could not manage to force himself inside the victim.

On such occasions, when the accused Omissis 1 could not force himself inside the victim to forcefully penetrate her, the accused Omissis 1 would start off by hitting and punching Omissis 2's head, slapping her and kicking her on different parts of her body.

This violence started in the year two thousand and fourteen (2014) when Omissis 2 was pregnant with their first son. The accused Omissis 1 used to blame Omissis 2 for all their problems, and especially their unborn son. The accused Omissis 1 used

to also manifest his anger whilst he beat their son Omissis 3 and during such beating, he would accuse the minor of having destroyed his life, simply because he was born. The accused Omissis 1 would shout, hit, slap and kick the victim Omissis 2. These episodes repeated themselves often during their marriage. The accused Omissis 1 would also threaten the victim Omissis 2 that if she would ever speak to someone, or tries to report him about such crimes, he would throw her down the balcony and kill her. Moreover, the accused Omissis 1 would often tell the victim Omissis 2 that should she ever try and report him to the police, no one would believe her, since she was a foreigner and paid no taxes in Malta.

The last episode of threats and violence was in fact during the early hours of the thirteenth (13th) June of the year two thousand and twenty (2020). On that day, while the victim Omissis 2 was asleep with their two children, the accused Omissis 1 tried to wake her up at around three in the morning (03:00) to have sexual intercourse, and when she refused, he told her to shut up and dragged her from the bed to take her to the bathroom. However, the victim kept refusing to go to the bathroom, and thus, the accused Omissis 1, pushed her down on the floor and started kicking her, sat down on her chest, pushed her hands back so she could not defend herself, and started punching her from both sides of her head and threatening her.

During all such commotion, the children woke up, and their son Omissis 3 started begging the accused Omissis 1 to stop beating his mother. However, the accused Omissis 1, instead of stopping beating the victim Omissis 2, he ended up threatening to go for Omissis 3 next, if Omissis 3 did not shut up. All this caused her so much fear that violence would be used against her and their young children, that her last resort was filing a report with the Police.

### **The consequences:**

Consequently, in view of the above mentioned facts, the accused Omissis 1, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, which constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendered himself guilty of causing Omissis 2 to fear that violence will be used against her or her property or against the person or property of any of her ascendants, descendants, brothers or sisters or any person mentioned in article 222(1) of Chapter 9 of the Laws of Malta, when he knew or ought to have known that his course of conduct will cause her so to fear on each of those occasions, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

### **The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same, accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendering himself guilty of causing another to fear that violence will be used against him or his property or against the person or property of any of his ascendants, descendants, brothers or sisters or any person mentioned in article 222(1) of Chapter 9 of the Laws of Malta, when he knew or ought to have known that his course of conduct will cause the other so to fear on each of those occasions, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

### **The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term from thirteen (13) months to six (6) years, as is stipulated and laid down in articles 17, 18, 31, 251B(1), 251C, 251HA, 202(h)(i) 83, 384, 385, 412C, 532A and 533 of Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

### **Third Count: Harassment**

#### **The facts:**

That, during the same period, place and circumstances, from the year two thousand and fourteen (2014) till thirteenth (13) June of the year two thousand and twenty (2020), that is, during their almost six (6) years of marriage, in these Islands, the victim Omissis 2 was living in terror, accompanied by continuous harassment by her husband, the accused Omissis 1. As already better described in the first two counts of this Bill of Indictment, the accused Omissis 1 was never capable of taking 'no' for an answer.

The victim Omissis 2 was always very clear in her response to the accused's, Omissis 1's sexual advances, wherein she refused to have sex with him. Whenever she refused to have sex with him, the accused Omissis 1 would beat, slap and kick the victim, his wife, Omissis 2.

This course of conduct pursued by the accused Omissis 1 caused the victim Omissis 2 distress. Omissis 1 kept on conducting such behaviour. In addition, to such harassment being known to the accused Omissis 1, the victim's behaviour towards him, left no room for interpretation.



The victim Omissis 2 used to beg to the accused Omissis 1 to leave her alone, to spare her from having to have sexual intercourse with him. The victim Omissis 2 used to even beg for her own life, during instances where the accused Omissis 1 would not succeed in penetrating her, and then would resort to beating the victim. The accused Omissis 1 knew that his course of conduct amounted to harassment.

**The consequences:**

Consequently, in view of the abovementioned facts, the accused Omissis 1, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, which constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendered himself guilty of pursuing a course of conduct which amounts to harassment of Omissis 2, and pursuing a course of conduct which he knows or ought to know amounts to harassment of such person, and subjecting her to an act of physical intimacy, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

**The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same, accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendering himself guilty of pursuing a course of conduct which amounts to harassment of Omissis 2, and pursuing a course of conduct which he knows or ought to know amounts to

harassment of such person, and subjecting her to an act of physical intimacy, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

**The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term from seven (7) months to six (6) years as is stipulated and laid down in articles 17, 18, 31, 251A(1)(a)(b)(c), 251C, 251HA, 202(h)(i) 383, 384, 385, 412C, 532A and 533 of Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

**Fourth Count: Private Violence**

**The facts:**

That, during the same period, place and circumstances, from the year two thousand and fourteen (2014) till thirteenth (13) June of the year two thousand and twenty (2020), that is, during their almost six (6) years of marriage, in these Islands, the victim Omissis 2 was living in terror, having to live under the same roof as her abusive husband, the accused Omissis 1. Apart from being abusive, the accused Omissis 1 was also jealous of his wife, the victim, Omissis 2. The accused Omissis 1 did not allow the victim to work or have any kind of social life.

The couple had only one key to their apartment, which key was always in the accused's possession. The accused Omissis 1 would lock his wife, the victim Omissis 2, and their young son inside the house, and take the key with him wherever he would go. This situation rendered the victim's life extremely hard.

Also, the victim Omissis 2 had no access for money, not even for the family's basic daily needs. Although the car which was used by the family, belonged to the victim Omissis 2, such car was exclusively controlled by the accused Omissis 1. Also, the accused Omissis 1, did not permit his wife to work, and did not permit his wife to have any money.

The victim Omissis 2 had to beg to the accused Omissis 1 for him to buy them food. It was not the first time that the victim had no food available to feed their two young children, whilst the accused Omissis 1 would receive his salary and go straight to the pub to get drunk. There were also times when the victim would beg to her husband, the accused Omissis 1 to buy medicine for their children, with the accused Omissis 1 deciding not to act on it.

**The consequences:**

Consequently, in view of the abovementioned facts, the accused Omissis 1, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, which constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendered himself guilty of using violence, including moral and, or, psychological violence, and, or coercion, in order to compel Omissis 2 to do, suffer or omit anything or to diminish such her abilities or to isolate her, or to restrict access to money, education or employment, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

**The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same,

accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendering himself guilty of using violence, including moral and, or, psychological violence, and, or coercion, in order to compel Omissis 2 to do, suffer or omit anything or to diminish her abilities or to isolate her, or to restrict access to money, education or employment, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

**The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term from two (2) years to twenty (20) years, as is stipulated and laid down in articles 17, 18, 31, 251(1)(2), 251HA, 202(h)(i), 383, 384, 385, 412C, 532A and 533 of Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

**Fifth Count: Illegal arrest, detention or confinement**

**The facts:**

That, during the same period, place and circumstances, from the year two thousand and fourteen (2014) till thirteenth (13) June of the year two thousand and twenty (2020), that is, during their almost six (6) years of marriage, in these Islands, the victim Omissis 2 was living in terror, having to live under the same roof as her abusive husband, the accused Omissis 1, and with limited possibility of leaving such situation.

As already explained in detail in the First Count of this Bill of Indictment, the accused Omissis 1 raped his wife whenever he felt like. During such actions, the accused Omissis 1 would detain the victim Omissis 2 against her will, to forcefully penetrate her. The accused Omissis 1 would grab the victim from wherever she is in the house, and drag her towards the bathroom and the bedroom, pin her down under him, and rape her. The victim Omissis 2 would try her utmost to free herself from her abusive husband, though without success. The accused Omissis 1 would also detain his wife, the victim Omissis 2, whenever he would decide to slap, kick, and beat her, with the victim trying to escape his grip to no avail.

The victim Omissis 2 was also kept confined within the apartment by her abusive husband, the accused Omissis 1. As already explained in detail in the Fourth Count of this Bill of Indictment, the accused Omissis 1 would lock his family inside the apartment while he goes to work and goes out to drink. The victim, together with their children had no access to the outside world because Omissis 1 would lock them inside the apartment, using the only key there was for the residence, which key was always in the accused's possession.

### **The consequences:**

Consequently, in view of the abovementioned facts, the accused Omissis 1, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, which constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendered himself guilty of without a lawful order from the competent authorities, and saving the cases where the law authorises private individuals to apprehend offenders, arrest, detain or confine Omissis 2 against her will, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

### **The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same, accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendering himself guilty of without a lawful order from the competent authorities, and saving the cases where the law authorises private individuals to apprehend offenders, arrest, detain or confine Omissis 2 against her will, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

### **The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term from thirteen (13) months to five (5) years, as is stipulated and laid down in articles 17, 18, 31, 86, 87(h), 202(h)(i) 383, 384, 385, 412C, 532A and 533 of Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

### **Sixth Count: Slight bodily harm**

#### **The facts:**

That, during the same period, place and circumstances, from the year two thousand and fourteen (2014) till thirteenth (13) June of the year two thousand and twenty (2020), that is, during their almost six (6) years of marriage, in these Islands, the accused Omissis 1 would beat and kick the victim without any reason whatsoever,

often leaving her with slight injuries over her body including her head, arms and legs.

The victim Omissis 2 would suffer beating, slamming, and kicking. The accused Omissis 1 would drag her to the bathroom or the bedroom, and if he fails in raping his wife, he will then turn to beating her. In fact, this was also the case on the night when the victim left the matrimonial home.

Due to all these beatings by the accused Omissis 1, the victim Omissis 2 ended up shaving her shoulder length hair, after the accused Omissis 1 injured her head, and then refusing to allow her to seek medical help.

### **The consequences:**

Consequently, in view of the abovementioned facts, the accused Omissis 1, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, which constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendered himself guilty of without intent to kill or to put the life of any other person in manifest jeopardy, causing harm to the body or health of Omissis 2, which harm being certified as slight bodily harm, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

### **The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same, accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by

means of several acts committed by himself, even if at different times, constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendering himself guilty of without intent to kill or to put the life of any other person in manifest jeopardy, causing harm to the body or health of Omissis 2, which harm being certified as slight bodily harm, provided that such crime is aggravated since it has been committed on the person of the current or former spouse, civil union partner or cohabitant.

**The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term from one (1) month to five (5) years, as is stipulated and laid down in articles 17, 18, 31, 214, 215, 221(1), 222(1)(a), 202(h)(i), 383, 384, 385, 412C, 532A and 533 of Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

**Seventh Count: Contraventions against the person**

**The facts:**

That, during the same period, place and circumstances, from the year two thousand and fourteen (2014) till thirteenth (13) June of the year two thousand and twenty (2020), that is, during their almost six (6) years of marriage, in these Islands, the accused Omissis 1 would insult and threaten the victim Omissis 2.

The accused Omissis 1 would call the victim names and insult her, all this whilst he is beating her and raping her. The accused Omissis 1 would threaten his wife of killing her if she does not obey and serve him, that is, pleasure him sexually. Through all the insults the accused Omissis 1 uttered to his victim wife, the victim Omissis 2 felt helpless and good for nothing.



**The consequences:**

Consequently, in view of the abovementioned facts, the accused Omissis 1, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, which constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendered himself guilty of uttering insults or threats not otherwise provided for in the Chapter nine (9) of the Laws of Malta, or being provoked, carrying his insult beyond the limit warranted by the provocation.

**The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same, accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, by means of several acts committed by himself, even if at different times, constitute violations of the same provision of the law, and have been committed in pursuance of the same design, in Luqa, and in these islands, rendering himself guilty of uttering insults or threats not otherwise provided for in the Chapter nine (9) of the Laws of Malta, or being provoked, carrying his insult beyond the limit warranted by the provocation.

**The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of detention, or, fine (ammenda), or, reprimand or admonition, as is stipulated and laid down in articles 17, 18, 31, 339(1)(e), 383, 384, 385, 412C, 532A and 533 of Chapter 9 of the

Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

**Eighth Count: Compelling or inducing person of age to prostitution.**

**The facts:**

That, in the year two thousand and fourteen (2014), the victim Omissis 2 had no friends and no social life because of the accused's attitude towards same Omissis 2. However, there was a person, who was the accused's, Omissis 1's friend, suggested that the accused Omissis 1 should make his wife Omissis 2 work for the money instead of asking friends to lend him money. When the accused Omissis 1 asked his wife, the victim Omissis 2 whether she wanted to work, she immediately accepted.

His friend took Omissis 2 to a man's apartment in Bugibba, telling Omissis 2 that now she could make money. The man was around seventy years old, and Omissis 2 thought she was taken there to clean his apartment and thus earn some money. However, the accused's friend immediately cleared the matter by telling Omissis 2 that she had to sleep with the man to earn the money. The victim, Omissis 2 was shocked by such news and asked whether the accused Omissis 1 knew what the work she had to do was, that is, of having a sexual encounter with another man and the accused's friend assured her that the accused Omissis 1 knew exactly what his wife had to do to earn money, and he was on board.

Although Omissis 2 was already pregnant with their first child and although she did not wish to perform such act, she had no other choice but to try and bring money to the accused Omissis 1. In fact, that day, Omissis 2 earned forty Euro (€40) because of her sexual encounter with the senior man. However, such amount of forty Euro (€40) was not the desired amount the accused Omissis 1 was wishing for, and such amount drove him extremely angry with the victim, telling her that he expected that she would bring home at least one hundred Euro (€100), and ended up telling his wife that she was useless.

**The consequences:**

Consequently, in view of the abovementioned facts, the accused Omissis 1, in the year two thousand and fourteen (2014) in these islands, rendered himself guilty of in order to gratify the lust of any other person, by the use of violence, compelled or, by deceit, induced Omissis 2, to practice prostitution, the act being committed habitually or for gain.

**The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same, accuses the accused Omissis 1 of, on the thirteenth (13th) June of the year two thousand and twenty (2020) and in preceding days, weeks, months and years, in these islands, rendering himself guilty of in order to gratify the lust of any other person, by the use of violence, compelled or, by deceit, induced Omissis 2, to practice prostitution, the act being committed habitually or for gain.

**The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term from four (4) years to nine (9) years, as is stipulated and laid down in articles 17, 205(b), 383, 384, 385, 412C, 532A and 533 of Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

**Ninth Count: Living on the earnings of prostitution, etc.**

**The facts:**

That, in the year two thousand and fourteen (2014), and in light of the facts as explained in detail in the last preceding count of this Bill of Indictment, the accused

Omissis 1 also benefited from earnings the victim Omissis 2 made after she was deceived into prostitution which happened in an apartment in Buġibba.

The victim, Omissis 2, earned forty Euro (€40) because of her sexual encounter with the senior man. However, such money she did not earn for herself. As soon as she returned home to her abusive husband, the accused Omissis 1, and after he reprimanded her because she only earned forty Euro (€40) instead of one hundred Euro (€100), the accused Omissis 1 took away the money the victim earned, for himself.

**The consequences:**

Consequently, in view of the abovementioned facts, the accused Omissis 1, in the year two thousand and fourteen (2014) in these islands, rendered himself guilty of knowingly living, wholly or in part, on the earnings of the prostitution of any other person.

**The charges:**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the circumstances of the fact abovementioned and as a consequence of the same, accuses the accused Omissis 1 of, in the year two thousand and fourteen (2014) in these islands, rendered himself guilty of knowingly living, wholly or in part, on the earnings of the prostitution of any other person.

**The punishment demanded:**

Therefore, the Attorney General demands that the accused Omissis 1 be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term not exceeding two (2) years, as is stipulated and laid down in article 7(1) of Chapter 63 of the Laws of Malta and in articles 17, 383, 384, 385,

412C, 532A and 533 of Chapter 9 of the Laws of Malta, or to any other punishment applicable according to law to the declaration of guilty of the accused Omissis 1.

Having seen the records of the proceedings;

Having seen the verdict of the jurors reached today wherein the jurors declared as follows:

**First Count**

The jurors with 6 votes in favour and 3 votes against found the accused guilty according to the First Count of the Bill of Indictment that is to say the crime of aggravated rape on Omissis 2.

**Second Count**

The jurors with 8 votes in favour and 1 vote against found the accused guilty according to the Second Count of the Bill of Indictment that is to say of the crime of causing others to fear that violence will be used against Omissis 2 and their children Omissis 3 and Omissis 4.

**Third Count**

The jurors with 8 votes in favour and 1 vote against found the accused guilty according to the Third Count of the Bill of Indictment that is to say of the crime of harassment against Omissis 2.

**Fourth Count**

The jurors with 8 votes in favour and 1 vote against found the accused guilty according to the Fourth Count of the bill of Indictment that is to say of the crime of private violence against Omissis 2.

### **Fifth Count**

The jurors with 7 votes in favour and 2 votes against found the accused guilty according to the Fifth Count of the Bill of Indictment that is to say of the crime of illegal arrest, detention or confinement Omissis 2 against her will.

### **Sixth Count**

The jurors with 8 votes in favour and 1 vote against found the accused guilty according to the Sixth Count of the bill of Indictment that is to say of the crime of slight bodily harm on Omissis 2.

### **Seventh Count**

The jurors with 8 votes in favour and 1 vote against found the accused guilty according to the Seventh Count of the bill of Indictment that is to say of the contravention of uttering insults or threats to Omissis 2.

### **Eighth Count**

The jurors with 7 votes in favour and 2 votes against found the accused not guilty according to the Eighth Count of the bill of Indictment that is to say of the crime that in order to gratify the lust of any other person, by the use of violence, compelled or, by deceit, induced Omissis 2, to practice prostitution, the act being committed habitually or for gain.

### **Ninth Count**

The jurors with 7 votes in favour and 2 votes against found the accused not guilty according to the Ninth Count of the bill of Indictment that is to say of the crime of

knowingly living, wholly or in part, on the earnings of the prostitution of Omissis 2.

**Consequently,**

this Court declares Omissis 1:

Guilty under the First, Second, Third, Fourth, Fifth, Sixth and Seventh Count and not guilty of the Eighth and Ninth Count of the Bill of Indictment 13/2023 and thus acquits him of the latter two Counts.

Having seen the updated criminal record sheet of the accused, wherein it resulted that he has a clean conduct sheet.

Having heard the submissions on punishment put forward by the Attorney General namely that the sexual offences were committed on the wife of Omissis 1 and that such offences constituting domestic violence were spread out over a number of years. It was only because Omissis 2 escaped that she could report these incidents to the Executive Police. That Omissis 1 has caused sexual, emotional and psychological trauma to Omissis 2 and therefore the punishment that is to be awarded should reflect the vote taken by the jurors together with the seriousness of the offences.

Having heard the submissions on punishment put forward by the defence lawyer, namely, that the jurors found Omissis 1 guilty of the most serious crime mentioned in the First Count with 6 votes in favour and 3 votes against and this should be reflected in the judgment of the Court. He also contended that this is a case whereby there are concurrent offences and therefore Article 17(b) of the Criminal Code should be applied.

The verdict of the jury was very clear. From the acts of the proceedings and from this trial it emerged that these crimes were committed in a very callous and in a treacherous manner. The accused abused his wife on many occasions and merely to satisfy his lust whilst disregarding her emotions and needs.

Violent crimes, like the ones proved in this case, are absolutely not acceptable, no matter who committed them, and no matter who the victim happened to be. More so when they were committed on his wife and in the presence of his two (2) minor children. They are even more reprehensible due to the fact that no remorse was shown. More so when the Court considers as happened in this case that the accused deceived his wife when he told her that he would change his ways and brought her back to Malta, only to repeat his abusive and animal-like behaviour.

Violent behaviour like that shown by Omissis 1 hits at the very heart of the peace, prosperity and tranquillity that Maltese society deserves. Such behaviour leaves a trauma on the victim and also on their minor children. Their lives will never be the same again.

Moreover,

After having seen articles 17(b), 18, 31, 86, 87(h), 198(1)(3), 202(h)(i)(v), 202(j), 214, 215, 221(1), 221(a), 251(1)(2), 251B(1), 251C, 251HA, 251(a)(b)(c), 339(1)(e), 383, 384, 385, 412C, 532A, 533 of the Criminal Code and condemns Omissis 1 to imprisonment for twenty-four (24) years.

The Court is binding the accused Omissis 1 for a period of 1 year in terms of Article 383 of the Criminal Code not to molest, injure, threaten or harm Omissis 2 under a penalty of 2,000 Euros should he fail to abide by this Order.



The Court is also condemning Omissis 1 in terms of Article 532A of the Criminal Code to compensate Omissis 2 for the damages sustained by her in the amount of 10,000 Euros.

The Court is abstaining from taking cognisance of the demand made by the Attorney General in terms of Article 533 of the Criminal Code since no experts were appointed in this case.

The Court is also abstaining from taking cognisance of the request made in terms of Article 412C of the Criminal Code due to the fact that such protection order can only be given pendente lite.

Consuelo-Pilar Scerri Herrera  
Madame Justice

Maria Grech  
Deputy Registrar